



Marine Aquaculture – section 128 Amendments

Changes introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025

These changes, which passed into law on 20 August 2025, belong to a wider programme of resource management reform. Visit the Ministry for the Environment's [webpage about the new Amendment Act](#) for more information.

Context

Marine farms require a resource consent to operate. Section 128 of the Resource Management Act 1991 (RMA) allows councils to review the conditions of a consent multiple times, recover the costs of reviews from consent-holders, and amend conditions, including changing the consented area.

The Resource Management (Consenting and Other System Changes) Amendment Act 2025 (Amendment Act) restricts council use of section 128 to review consent conditions of marine farms.

In most cases, councils will be required to use the bespoke conditions review process that was introduced under the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Act 2024 (Extended Duration Act). Under the Amendment Act, councils:

- must cover the costs of the review under the Extended Duration Act
- are limited to one review per consent
- cannot amend the consented area
- must first secure agreement of the Director General of the Ministry for Primary Industries to undertake the review.

Full details about the bespoke conditions review process introduced under the Extended Duration Act can be found [here](#).

Key changes

- Sections 49, 51 and 52 of the Amendment Act amend the RMA.

The changes brought in by the Amendment Act narrow the circumstances under which a council can use section 128 of the RMA to review marine farm consent conditions. The changes will apply until 3 September 2030.

Section 128 reviews will be limited to the following circumstances:

- to implement national environmental standards or national planning standards
- where reviews are built into a consent as part of an adaptive management approach
- where it is required by a Court order when a person is convicted of an offence.

The Amendment Act allows councils to use the Extended Duration Act review process until 3 September 2030. This longer period will enable the most critical reviews to be undertaken while council use of section 128 is constrained.

Summary of changes

Area	Amendments
Circumstances under which councils can use section 128 of the RMA to review marine farm consent conditions.	<p>Section 49 of the Amendment Act amends section 128 of the RMA.</p> <ul style="list-style-type: none">• Section 49 amends section 128 of the RMA to alert councils to the changes and direct them to the new section 165ZFHHA of the RMA. <p>Section 51 of the Amendment Act inserts new section 165ZFHHA of the RMA.</p> <ul style="list-style-type: none">• Section 165ZFHHA restricts the use of section 128 of the RMA to undertake reviews of marine farm consents extended under the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Act 2024. It also sets out the exceptions where a council can initiate a section 128 review of marine farm consents.
Section 165ZFHI of the RMA sets out a bespoke consent conditions review process that councils can use to review marine farm consents that were extended under the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Act 2024.	<p>Section 52 of the Amendment Act amends section 165ZFHI of the RMA.</p> <ul style="list-style-type: none">• Section 52 amends section 165ZFHI of the RMA to specify that while the bespoke review process does not affect the use of section 127 (which provides for any consent holder to apply for a change or cancellation of their marine farm consent conditions), the use of sections 128 and 129¹ is constrained for six years from when the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Act 2024 came into force (3 September 2026). It also extends the period that the bespoke review process can be used from two to six years.

¹ Section 128 provides for councils to review the conditions of a marine farm consent. Section 129 sets out the notification requirements relating to section 128.

